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From: jeffrey@thefirm.com  
To: EDSchindler@att.net  
Cc: bruce@thefirm.com  
Subject: Re: E-Mail Service of Ecuabeverage's Rule 11 Motion for Sanctions (April 15, 2008)  
Date: Tue, 15 Apr 2008 18:13:28 +0000

thank you  
will review and discuss  
All the best  
Jeffrey  
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-----Original Message-----

**From:** EDSchindler@att.net [mailto:EDSchindler@att.net]  
**Sent:** Tuesday, April 15, 2008 02:10 PM  
**To:** jeffrey@thefirm.com  
**Cc:** bruce@thefirm.com  
**Subject:** E-Mail Service of Ecuabeverage's Rule 11 Motion for Sanctions (April 15, 2008)

Jeffrey,

On behalf of Defendant Ecuabeverage Corporation, attached to this e-mail, is a complete copy of *Defendant Ecuabeverage Corporation's Motion for Sanctions, Pursuant to Fed.R.Civ.P. 11*, along with all supporting papers and exhibits.

***Ecuabeverage's Rule 11 Motion for Sanctions has NOT been filed with the Court at this time!***

Brooklyn Bottling's claims for federal trademark infringement under 15 U.S.C. §1114 (Counts I and II of the *Amended Complaint*), and its related claim for "prohibited importation" under 19 U.S.C. §1526 (Count VI of the *Amended Complaint*), which necessarily requires a finding of liability against Ecuabeverage for allegedly infringing the registered trademark, "TROPICAL PURO SABOR NACIONAL," are factually baseless and legally frivolous, as explained in Ecuabeverage's *Motion for Partial Summary Judgment on Counts I, II and VI of the Amended Complaint*, which has now been fully briefed, and in the attached *Motion for Sanctions, Pursuant to Fed.R.Civ.P. 11*.

In accordance with Federal Rule of Civil Procedure 11, Ecuabeverage's Rule 11 motion has not been filed with the Court at this time, but will be filed after 21 days, ***unless Brooklyn Bottling files a Notice with the Court unconditionally withdrawing, or dismissing, Counts I, II and VI of the Amended Complaint, with prejudice.***

A complete copy of Ecuabeverage's *Motion for Sanctions, Pursuant to Fed.R.Civ.P. 11*, is also being sent via First Class Mail to you on this date.

Sincerely,

Ed Schindler

**EXHIBIT 1**